

Minutes of the March 28, 2013 Regular Council Meeting

Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Serio, Bunting, Langan, Weistling, Carmean and Smallwood

Absent: Tingle (Excused)

President's Report

Mayor Serio noted that the town is getting ready for the summer season.

- FY2014 budget preparations continue in advance of the April 24, 2014 Budget Committee meeting.
- Progress on the Cannon Street Park has been slower than anticipated due to contractors being engaged in efforts to restore properties as a result of Hurricane Sandy. The Mayor continues to work with the Center for the Inland Bays on choices of native plants for the park.
- A new *ad hoc* Technology Committee is being formed with Vice Mayor Gene Langan as chair.
- Council will review updates to the Lifeguard Manual.
- Marcia Frederick has resigned from the Board of Adjustments. Mayor Serio thanked Mrs. Frederick for her service adding that a replacement will be announced and voted on later in this meeting.
- The town has received bids for both the kayak launch and sidewalks and those bids will be discussed today.

Topics for Discussion and Possible Action

a. Fenwick Flicks – David Martin, Executive Director of the Bethany-Fenwick Chamber of Commerce
Mr. Martin addressed the assembly regarding Chamber efforts to promote the town businesses. He announced that a Fenwick island Business Forum will be formed to explore better ways of working effectively as a group. The Fenwick Flicks dates have been submitted to Town Manager Burke. Two conflicts were noted and Mr. Martin will return to Mr. Burke with alternate dates.

No action needed as the activity was previously approved by Council.

b. Kayak Launch – Town Manager Burke

Mr. Burke advised that the town has received two (2) bids: George and Lynch (\$54,726) and Allstates (\$69,000). He advised that the project engineer (Soule) recommends the low bidder but that the town has the option to reject all bids and re-bid the project.

Motion to approve proceeding with the low bid – Council Member Weistling

Second – Council Member Smallwood

DISCUSSION

Council Member Smallwood believes that to delay the project will not result in any change to the cost. Council Member Carmean and Mayor Serio agreed that waiting may not result in lower bids. Town Manager Burke advised that the town budget has been set at \$25,000 for the project with a match of \$25,000 on a grant. In response to a question from Council Member Langan, Mr. Burke advised that other avenues for funding the project may be available. Council Member Bunting noted that the town has applied for and received the same State grant for two years and believes that the town can apply for further funding. Council Member Langan noted his discomfort with the cost of the launch; Council Member Weistling agreed and asked if the town could re-bid or re-engineer the project. Town Manager Burke advised that the original engineering report showed an estimated cost of \$20,000-\$25,000. That was before an extensive ADA review. The cost estimate was increased to \$40,000 after the review. The town has a one year deadline to use the grant funds. A discussion followed as to the benefits/drawbacks of rebidding, re-engineering, waiting or proceeding now.

Vote to approve proceeding with the low bid: 0-6

Motion defeated

Council Member Langan suggested that the Town Manager contact the engineer to issue a rebid to include a time line and to seek more grant funds.

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c. Sidewalk Project – Town Manager Burke

Town Manager Burke advised that the town has received three (3) bids: Road Site (\$31,630), Guardian (\$40,240) and Adel (\$52,700). The estimated cost was between \$23,000 - \$25,000. Landmark Engineering recommends the low bid with the project to start early in April and to be completed before Memorial Day.

Motion to approve awarding the low bid – Council Member Carmean

Second – Council Member Bunting

DISCUSSION

Council Member Weistling expressed his opposition noting that the bid seemed to be too far over the estimated cost. Council Member Langan noted that the project covers ≈123 feet in front of the park and a similar number in front of town hall. It should not take more than a week to complete. Mayor Serio was in favor of trusting the engineer but Council Member Weistling believes, after discussing the project with individuals with related experience, that the estimate was more in line with the actual cost. Town Manager Burke advised that funds are available in the Municipal Street Aid fund but that the project can be rebid and delayed. Council Member Carmean does not want any work done during the summer. A discussion of rebidding and establishing a time line followed.

Vote to approve proceeding with the low bid: 0-6

Motion defeated

d. Waste Disposal Contract Extension – Town Manager Burke

Town Manager Burke advised that the current contract with Chesapeake Waste includes an option to extend the contract for an additional third year (to April 30, 2014). He recommends the extension.

Motion to accept the extension – Council Member Carmean

Second – Council Member Bunting

DISCUSSION

Council Member Langan asked if all trash/recycling/yard waste contracts will expire in May 2014. Town Manager Burke advised that the solid waste contract expires 4/30/2014, the recycling contract expires in 2015, and the yard waste contract expires in 2014. Council may choose at the appropriate time to extend all contracts or put the individual contracts out for bid so that all will expire in 2015.

Vote to accept the extension: 6-0

Motion passed

e. Parking Permits – Town Manager Burke

Town Manager Burke advised that a study was conducted at the end of the summer 2012 that showed sales figures for several years. There appears to be a downward trend in sales receipts. He asked that Council consider changing the system to eliminate the circular resident stickers and double the number of blue hang tags to property owners with the option to purchase two (2) additional blue hang tags.

DISCUSSION

Mayor Serio advised that this matter should be discussed at the upcoming Budget Committee meeting. Chief Boyden noted that there are several advantages to making the change but that his department will do council bidding in this matter.

No action taken

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f. Vertical Benchmark Project – Council Member Weistling

Motion to contract with Simpler Surveying to record the vertical benchmark on all town streets at a cost not to exceed \$6,000 – Council Member Weistling

Second – Council Member Langan

DISCUSSION

Council Member Weistling advised that FEMA has proposed changes to its flood zone maps that will rezone the current AE-7 and AE-6 areas to an AE-5 zone. All of the commercial area west of SR1 and a few other properties will be lowered to an AE-5 zone. In order to respond to FEMA, the town will need to have an established fixed vertical benchmark. The sanitary sewer manhole is the one common fixture on all streets so that is where the benchmark will be set. The benefit of the study is that the town will have an actual elevation survey to aid in flood drainage studies. Ninety five (95) locations will be documented at a cost of approximately \$5800. If an individual calls for the survey the cost is \$150. Council Member Langan noted that the town cannot respond to FEMA without this information.

Vote to authorize the contract as stated in the motion: (6-0)

Motion passed

g. Appointment to Board of Adjustments – Mayor Serio

Mayor Serio asked Building Official to explain the appointment. Building Official Schuchman advised that Marcia Frederick is no longer available to serve on the board and that Mr. Rodman Kushela (45 Ebb Tide Cove) has agreed to become a member. She contacted other residents but their schedules did not permit their full participation. Because this is a Commission the appointment requires Council approval.

Motion to approve Mr. Rodman Kushela as Board of Adjustments member – Council Member Bunting

Second – Council Member Langan

Vote to approve: (5-0-1) Council Member Carmean abstaining as she is not acquainted with Mr. Kushela

Approval of Minutes:

Motion to Approve the Minutes of February 22, 2013 Meeting - Council Member Weistling

Second - Council Member Langan

DISCUSSION – None

Vote: (5-0-1) Council Member Carmean abstaining as she was not present at the meeting

Treasurer's Report:

Council Member Bunting presented his report.

Motion to accept the Treasurer's Report – Council Member Langan

Second – Council Member Smallwood

DISCUSSION - none

Vote: All in favor to accept the Treasurer's report (6-0)

Town Manager Report:

Town Manager Burke reiterated those items included in his written report.

Department Reports:

- Building Official –included in the meeting packet. In addition to those items in the published report, Mrs. Schuchman advised that there were 19 Outside Contractors licenses issued, 7 Rental licenses and 1 Resident Merchant licenses in the past month. On Tuesday, February 26, 2013, she participated in a teleconference at town hall at which time FEMA, DNREC and the Army Corps of Engineers. The east side of Coastal Highway up to and including the bayside will be in the AE-5 zone. That leaves two (2) flood zones in town. Three houses in town have substantial damage of at least 50% or more of the value of the house due to Hurricane Sandy. They must be brought

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into compliance either by raising the structure or by taking it down using \$30,000 Increased Cost of Compliance funds. Failure to comply will result in loss of insurance coverage. Mrs. Schuchman attended a seminar on climate change in the coastal communities. The Charter and Ordinance Committee has already dealt with climate change in some way without realizing it. The presentation and the Sea Level Rise Vulnerability Assessment are available on line.

DISCUSSION

In response to a question from Mayor Serio, Mrs. Schuchman advised that the town, as a CRS Community and a member of NFIP, must build to the minimum required but can exceed the requirements. If the town chooses to use a method known as "freeboard" it will improve the town's position by increasing building elevations by three (3) feet and result in an additional discount for NFIP and the CRS rate.

- Public Works - included in meeting packet. The Public Works Department will be locking down the lifeguard stands and be adding street signs on the beach so that the public will have an increased awareness of their location on the beach. If anyone is missing a recycle bin, a new one can be obtained from the department.
- Fenwick Island Beach Patrol – Captain Tim Ferry reported that there are six open spots on the beach patrol. Tryout dates will be announced. Six Junior Lifeguard graduates will become lifeguards this year. Regarding the Junior Lifeguard Program, Mayor Serio asked if the beach patrol might be able to host more sessions than in the past. Captain Ferry advised that more instructors are now available so that the size of each class can increase from 15 to 20. The town now draws from other communities and may be able to increase the fees and amenities for participants. Guards will hand out no smoking materials to the Junior Lifeguard participants.
- Police Department – Chief Boyden reported that in addition to his report (included in Council booklet, the radar speed sign has been repaired and will be installed shortly. Communications equipment will be upgraded as a result of a state-wide mandate. The department will use grants to fund the radio upgrades and cell phone safety equipment so there should be minimal cost to the town.

Committee Reports:

- Beach Committee – John Belian reported that the beach grass planting was held on March 23, 2013 in South Bethany.
- Environmental Committee – Mary Ellen Langan reported that the committee met on March 21, 2013 and discussed ways to fulfill its obligations for the American Lung Association grant. New projects include participation in the *ad ho* Technology Committee to improve the environment by trying to reduce the town's carbon footprint. There will be a meeting on April 25, 2013, a horseshoe crab count on May 3, 2013, a native plant sale on May 4, 2013 and a bay cleanup in June.

Planning Commission: Report included in the booklet.

Charter & Ordinance

- **Proposed First Reading Chapter 160 (Zoning) Anchoring of Boardwalks – Council Member Weistling**
Council Member Weistling motioned that Council accept the proposed First Reading (copy attached to these minutes)
Second – Council Member Langan

DISCUSSION

Council Member Weistling advised that this change inserts new subparagraph C and the resulting renumbering of following subparagraphs. This is a follow on to the previous change requiring the anchoring of propane/fuel tanks.

VOTE: All in favor ((6-0))

The April 2, 2013 C&O Committee meeting has been cancelled.

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Old Business

None

New Business – No Action to be Taken

None

Public Participation:

- Buzz Henifin (48 Windward Way) – thanked FIBP Captain Tim Ferry for his 10 years of service to the town.
- Lynn Andrews (1205 Schulz Rd) – does not want the parking permit system changed. She added that the Fenwick Island Society of Homeowners (FISH) is planning to honor Mary Pat Kyle with a structure in the old town park. They will talk further with Public Works about the placement. The FISH annual dinner meeting is April 20, 2013 with a guest speaker from the Center for the Inland Bays.
- John Belian (1 W Houston St) – noted that the bay waters are clear and there appear to be an abundance of fish and crabs. Council Member Smallwood noted that the sand bar in the bay has been altered and that the channel markers need to be relocated. Town Manager Burke will check with DNREC.
- Mike Quinn (5 W Houston St) – asked if the dune crossovers will be repaired. Town Manager Burke advised that DNREC will take care of the regarding before the summer begins. Council Member Smallwood added that the town cannot place the mobi mats until DNREC has completed the job.
- Mike Quinn continued – by verifying with Building Official Schuchman that the new Board of Adjustments member will have time to be trained before the hearing on April 9, 2013. Mr. Quinn questioned the additional yard waste collections that appear on the Trash/Recycling Calendar. He also questioned a \$275,000 entry in General Fund Savings. He noted that the transfer into the Bank of Ocean City mentioned by Council Member Bunting is not reflected on the statement distributed today. Town Manager Burke advised that the report does not adequately reflect current activity and will endeavor to change the form for clarity.
- Mike Quinn continued – by questioning the need to contact Miss Utility before anchoring a boardwalk believing that it should be included in the ordinance change. Council Member Weistling advised that a boardwalk is anchored to pilings, then that is adequate wording. State law requires property owners contact Miss Utility before any construction.
- Dave VanKavelaar (1703 Coastal Hwy) – asked if an additional yard waste collection could be scheduled for April. Mayor Serio directed Town Manager Burke to revisit the schedule.
- Vicki Rymer (8 E Georgetown St) – advised that her street has been marked to allow parking on both sides of the street. She asked that the street be re-striped for parking on one side only.

Upcoming Events and Meetings:

Mayor Serio announced all upcoming meetings and events.

Motion to adjourn – Council Member Carmean

Second – Council Member Weistling

Meeting adjourned at 5:35PM PM.

Agnes DiPietrantonio, Town Clerk
for Diane Tingle, Secretary

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Proposed First Reading – March 28, 2013

Chapter 160 - Zoning

Insert the following new subparagraph C. to § 160-6 (General regulations; exceptions):

C. All free-standing structures, including but not limited to boardwalks, propane tanks, ground level decks, sheds and trash enclosures, must be either properly anchored using an auger type anchor a minimum of two feet in the ground, proper footings designed to resist floatation, collapse or permanent lateral movement, or an anchor system design approved by the Building Official. Effective date for proper anchoring of free-standing structures as indicated above shall be no later than June 1, 2014.

Re-number remaining subparagraphs in § 160-6 so that the subparagraphs previously identified as subparagraphs C. and D. shall now be identified as subparagraphs D.

Posted: April 1, 2013